

Notice Announcing Availability, Guidance and Evaluation Criteria for Sector-Based Multimedia State Cooperative Agreement Funds

PURPOSE: This Cooperative Agreement Guidance and Evaluation Criteria, announces the availability of the cooperative agreements and summarizes the requirements and process for States to submit proposals for funding. **At this time EPA invites eligible States and Territories to submit pre-proposals no longer than 5 pages to the appropriate EPA Regional office and to the workgroup chair by Friday, July 10, 1998.**

CONTACT: Amy Porter, 2225A, Office of Compliance, US EPA, 401 M Street SW, Washington, DC 20460, (202) 564-4149, porter.amy@epamail.epa.gov.

Hard copy of the full package, or copies of referenced documents, can be obtained at the address above, or through any EPA Regional Office.

BACKGROUND AND PURPOSE

The Fiscal Year 1998 (FY 98) EPA budget contains \$1,836,000 in State [and territorial] cooperative agreement funds available for multimedia/sector-based work under authority of section 28 of the Toxic Substances Control Act (TSCA), which allows for multimedia projects. EPA plans to fund proposals in the range of \$100,000-\$500,000 to address sector, multimedia, ecosystem, or community-based environmental protection (CBEP) compliance and enforcement. Proposals should address how the project will improve an aspect of data quality, either for the area being addressed, or overall.

Projects relating to the national priority and significant sectors as defined by the OECA Memoranda of Agreements (MOAs) with Regions, as well as multi-State projects addressing problems affecting adjoining States will be given priority for funding. Also, any other sector or priority project identified by Regions in their individual MOAs will be given funding priority. The national priority sectors include Dry Cleaners, Primary Nonferrous Metals, and Petroleum Refining. The significant sectors are Municipalities, Industrial Organic Chemicals, Chemical Preparation, Iron and Basic Steel Products, Pulp Mills, Auto Service/Repair Shops, and Agricultural Practices.

This is the same allocation that in FY 96 and FY 97 funds was used to fund innovative State compliance and enforcement pilot projects. Although the funding priorities for this year's allocation reflect the Agency's current priorities rather than emphasizing pilot projects, the Agency intends to track activities funded under this initiative and consider sharing tools and information to other States.

The process for proposal submission and selection will be very similar to the FY 96 and 97 processes, including a selection process based on pre-proposal submissions. The cooperative agreements funded under this initiative are designed to provide States the opportunity to try

different approaches to multimedia compliance and enforcement. For the purpose of this proposal, the term States includes Territories.

STATUTORY AUTHORITY

The funding authority for making these cooperative agreements is section 28 of the TSCA which allows “the Administrator to make grants to States for the establishment and operation of programs to prevent or eliminate unreasonable risks within the States to health or the environment which are associated with a chemical substance or mixture and with respect to which the Administrator is unable or is unlikely to take action under [TSCA] for their prevention and elimination.” The Office of Compliance believes that all projects that meet the criteria laid out in the guidance and which qualify for funding under this program will meet the statutory standards of TSCA §28 because there are no multi-media compliance and enforcement initiatives for the types of projects being funded by this grant, nor are there likely to be.

If the forthcoming Environmental Program Grants Rule has been promulgated at the time these are awarded, they will be governed by that Rule.

ELIGIBILITY

Eligible entities under TSCA section 28 include State governments and U.S. Territories. Eligible applicants will compete nationally for a portion of the total \$1,836,000 allocation. A separate call for proposals for Federally recognized Tribes will be announced at a later date and will have a different focus.

SCOPE

The funding authority provides an avenue for cross-media environmental concerns. Cooperative agreements funded under this initiative are intended to provide eligible States and Territories the opportunity to try different and/or innovative approaches to multimedia compliance and enforcement. Proposals must address sector, multimedia, ecosystem, or community based environmental protection (CBEP) compliance assistance, monitoring or enforcement related to programs for the prevention or elimination of risks associated with chemical substances or mixtures. For the definitions of chemical substances and mixtures, please refer to section 3 of TSCA, or contact EPA for further clarification. Proposals should address how the project will improve any of the following aspects of data quality: accuracy, completeness, consistency, utility, timeliness, and/or access to existing data systems or those newly developed for sector related projects, either for the area being addressed, or overall.

Projects relating to the MOA national priority and significant sectors will be given priority for funding. Also, any other sector or priority project identified by Regions in their individual MOAs will be given the same priority for funding. Proposals for multi-State projects submitted by the lead State addressing problems affecting adjoining States, proposals for multi-year projects and multiple projects per State are also welcome.

Some examples of the types of proposals we consider to meet the focus areas are listed below.

Data Quality:

Develop and implement data conversion programs to use State data in national databases, or, identify and share good existing State programs, or propose options for providing additional data, possibly by sector.

Tracking of Non-NPDES CAFO Programs:

Develop ways for EPA and other States to access State data from non-NPDES regulatory/compliance CAFO programs covering farms that do not currently have federal permits but with potential need for such permits. This data will help develop an inventory of facilities, allow improvements to targeting systems, and improve the ability for inspectors or States to provide analysis of raw data. For more information please contact Al Havinga at (202) 564-4147, or havinga.al@epamail.epa.gov.

Identification of Non-notifiers:

Utilize a methodology to cross-check EPA, State, local, and other Federal Agency databases against commercially available databases (e.g., Dun & Bradstreet, American Manufacturers Directory) to identify non-notifiers by sector. Develop a systematic method to identify and track facilities not currently meeting the criteria for notification, but that will likely meet those criteria in the future. Follow up on these activities with an information request letter, screening visit, multimedia inspection, or referral to enforcement program. For more information contact either Reggie Cheatham at (202) 564-7104, John Mason at (202) 564-7037, or Ken Gigliello at (202) 564-7047. E-mail addresses are last name.first name@epamail.epa.gov.

Root Cause Analysis:

Identify, collect, and input the root causes of environmental regulatory violations through various compliance monitoring techniques (e.g., State inspections, record reviews, self-monitoring data analysis, or independent information collection). Follow up on the root causes to promote actions that minimize or eliminate occurrence of the environmental problem(s). If appropriate, identify the necessary changes required in type of data collected, data collection methods, how and when data is entered into systems, and required data analysis. For more information please contact Tom Ripp at (202)564-7003, Maria Malave at (202) 564-7027, Tracy Back at (202) 564-7076, Joanne Berman at (202) 564-7064, or Sally Sasnett at (202) 564-7074. See above for E-mail addresses.

Measures of Success:

Develop or identify enforcement/compliance measures of success and develop systems and methods for collecting such data. Analyze results of existing data to develop such measures. The National Performance Measures Strategy (NPMS) is available from Amy Porter at (202) 564-4149 or porter.amy@epamail.epa.gov.

Compliance Monitoring by Sector (Multimedia Inspections):

Develop State level infrastructure to conduct multimedia inspections within MOA priority sectors and including a multimedia enforcement element. Report outputs/outcomes through a newly developed or existing database.

Multi-media Compliance Initiative to Reduce Environmental Loading of Persistent Biochemical Toxins:

Develop State compliance inventory on facilities (such as municipal waste incinerators or mercury-cell process chlor-alkali plants) or priority sectors contributing significant environmental loadings of persistent toxins (such as mercury) and focus multimedia, pollution prevention compliance assistance efforts with enforcement follow-up. For more information please contact Sally Sasnett at (202) 564-7074 or sasnett.sally@epamail.epa.gov.

FUNDING

Proposals in the range of \$100,000-\$500,000 will be considered for funding, and may be for multiple years. The funding authority in TSCA requires that recipients provide 25% matching funds. In-kind contributions such as volunteer labor hours may be applied towards the match, provided they meet the criteria in 40 CFR 31.24. EPA has two years from the date of the appropriation to award the money to the States. There are no time constraints on when States can spend the money once it is awarded. States may use awards all at once or over multiple years, and at any time. The Agency, however, for purposes of good fiscal accounting, urges States to spend the funds within five years of the award. The percentage of funding to be used for measuring success should not exceed 15%.

PROCESS

Pre-proposals following the requirements below must be submitted simultaneously to the EPA workgroup chair and to the appropriate Region for initial review. The pre-proposal process is intended to enable EPA to evaluate the proposals, request clarifications as needed, suggest modifications, and select those States which will be invited to submit full proposals to the appropriate Region. The pre-proposal process is designed to reduce the investment of State resources for those States not invited to submit a full proposal.

SCHEDULE

(1) We are asking interested States to submit pre-proposals of five pages or less to both the Regional Project Coordinator in the appropriate EPA Region and to the workgroup chair, Amy Porter, by July 10, 1998 (A list of Regional contacts is available from the workgroup chair.).

(2) EPA will complete its analysis of the pre-proposals and request clarification by September 4, 1998. Clarifications can include written and/or verbal communication. During this process, EPA will invite a select number of States to submit full proposals to the EPA Region representing the locality of the proposed project(s) selected. Invitations to submit full proposals, or notification that proposals will not be funded will be conveyed to the applicants by EPA headquarters by October 16, 1998.

(3) Full State proposals are due to the Regional Project Coordinator in the appropriate EPA Region no later than November 27, 1998.

(4) The appropriate EPA Region will analyze the final State proposal to assure it is in concert with the evaluation criteria and any clarifications requested from the pre-proposal, and that it meets necessary administrative requirements.

(5) EPA headquarters plans to begin the transfer of funds to Regions within five days of notice from the appropriate Region that the State's final proposal has been received and is complete.

SUBMISSION OF PRE-PROPOSALS

Pre-proposals should not exceed 5 pages, and are due no later than **July 10, 1998**. They should be **sent simultaneously to the appropriate Regional contact and to the workgroup chair, Amy Porter**. A list of Regional contacts can be obtained from Amy. She can be reached at the following address(es): US Postal mail: Amy Porter, US EPA, OECA (2225A), 401 M Street, SW, Washington, DC 20460. Express mail service [e.g. FED EX]: Amy Porter, US EPA [Room 5110], 1200 Pennsylvania Avenue NW [South Lobby], Washington DC 20004. She can also be reached at 202-564-4149; FAX 202-564-0028; or, E-mail: porter.amy@epamail.epa.gov.

PRE-PROPOSAL REQUIREMENTS

The requested format for pre-proposal consists of three parts, including:

1) **Summary:** The summary should include the name of the lead State agency; the name, e-mail address, and telephone number of a contact who can furnish additional information if needed; approximate level of funding requested, the State's contribution, and the total; and a **brief** statement describing the identified problem or issue and the State's approach to addressing it.

2) **Project Description:** The project description should address each of the following:

A. Problem Identification: A clear description of the problem or environmental issue and its impact.

B. Goals and Objectives: A clear description of major goals and objectives including tasks and products is critical to understanding the proposed project. To the extent possible, the goals should be as quantifiable as possible within the context of the proposed approach. Identify the MOA priority sector(s) impacted, or the multi-state problem being addressed, and explain the project's impact on data quality issues.

C. Current Approach: A description of the current approach to multimedia compliance and enforcement within the context of the problem(s) being addressed. Be specific about which sectors or industries are being addressed.

D. Proposed Action: A description of the proposed action. This description should also contrast the current approach, if any, with the proposed action; identify the problem(s) being addressed in the proposed action that the current approach does not fully address; and describe the environmental benefits that will be achieved should the proposed action be successful. Any

description of environmental benefits should include an explanation of any environmental measures of success and appropriate baseline information. Environmental measures of success should be expressed in terms that are understandable to the general public.

E. Stakeholder Participation: Identify and explain the roles of various stakeholders. Stakeholders could include an array of State agencies, local governmental agencies, environmental advocacy groups, industry groups, local community representatives, and representatives of groups concerned with environmental justice. Explain the extent to which these groups have agreed to participate and how their participation, support, and acceptance are to be factored into the proposed approach. Identify the impact on the proposed approach if stakeholders are unwilling to participate or support the proposed action or approach.

F. EPA Assistance: Identify what assistance, if any, is required from EPA. The nature, extent, duration, and significance of the assistance required should be clearly identified. Identify the impact on the proposed project should EPA not be able to provide such assistance.

G. Potential Applicability of the Tools Developed: Identify if/how the success of the proposed approach or developed tools are to be implemented in other aspects of the State's approach, or could be used by other members of the regulated community.

H. Schedule, Milestones and End Products: Identify the proposed schedule, major milestones, and "end products" associated with each (e.g., development of environmental measures of success). For appropriate major milestones, identify which issues and concerns could have a significant adverse effect on the milestone's completion and why.

I. Measures of Success: Identify how the State proposes to determine the baseline and the criteria the State plans to use to determine whether the proposed approach is "successful," e.g., improved data quality or improved communication within a sector for sharing of compliance assistance materials. Identify how and when the measures will be taken, e.g. verbal or written customer surveys or follow-up, on-site evaluation, or tracking number of customers to receive or use new tools. Identify the relationship to the following EPA policy documents: Goal 9 of the Agency's Strategic Plan, the National Performance Measures Strategy (NPMS), and the National Enforcement and Compliance Assurance Plan (NECAP). The measures portion of the project should not exceed 15% of the project cost. Projects with monitoring or sampling components must provide a Quality Assurance Project Plan in the full proposal.

J. Demonstrate Eligibility: Each proposal must include confirmation by the State that the project or program (as defined by TSCA) is something that EPA is unlikely or unable to address through the Toxic Substances Control Act.

3) **Itemized Costs**: A breakdown of costs should be provided. The table below can be used to delineate the cost estimates. [Note: Standard Form 424 is not required for pre-proposal submission.]

Federal funds for this project proposal are those funds provided by EPA under section 28 of the Toxic Substances Control Act.

Recipient Funds for this project proposal are those funds provided by the grant recipient, and must include at least 25% of the total project cost; funds from other federal sources cannot be used as part of the recipient contribution.

ESTIMATED FUNDING 1998 TSCA Cooperative Agreements Pre-Proposal

OBJECT CLASS	FEDERAL FUNDS	RECIPIENT FUNDS	TOTAL FUNDS
Personnel			
Fringe Benefits			
Travel			
Equipment			
Supplies			
Contractual			
Construction			
Other			
TOTAL:			

FULL PROPOSALS

States whose pre-proposals are selected will be asked by the workgroup chair to submit full proposals to the Regional Project Coordinators by September 4, 1998. Full proposals must address the information provided in this document as well as the following: Executive Summary of Cooperative Agreement Application Requirements; and State Grant Guidance: Integration of Pollution Prevention, 1992 Memorandum. These documents will be provided at a later date in the process.

EVALUATION CRITERIA

The factors listed below will be considered in determining which proposals to fund. The particular order in which the criteria are listed or the length of discussion does not signify their relative importance.

1. The degree to which projects address sector, multimedia, ecosystem, or community-based environmental protection compliance and enforcement. Priority will be given to projects affecting MOA priority sectors. All projects should identify an impact on one of the following aspects of data quality, including: accuracy, completeness, consistency, utility, timeliness, and/or access of data. Impact on data quality can be achieved with reporting requirements for outputs into new or existing databases.
2. The degree to which projects develop baseline status information and show increments of progress towards achieving the project's goals defined by environmental results.
3. The depth and breadth of the problem and proposed action identified. For example, if the problem and/or proposed action identified are fairly narrow in scope from a national perspective, the proposal is likely to be judged less favorably than one with significant national application.
4. The capability to replicate the proposed implementation methods and approaches in other States. This is particularly important to gain as much leverage as possible nationally with limited funds.
5. The willingness of non-traditional State governmental agencies and other non-traditional groups to be active participants in the proposed approach.
6. The degree to which State proposals which involve multi-State, Federal, and/or local governmental agencies address area-wide issues.
7. The reasonableness of the outputs in relation to the resources expended.
8. Confirmation by the State that the project or program (as defined by TSCA) something that EPA is unlikely or unable to address through the Toxic Substances Control Act.

PROJECT DOCUMENTATION

Documentation and reporting of all funded projects is required of all awardees. Details of project documentation requirements are delineated in the Executive Summary of the Cooperative Agreement Application Requirements, which will be made available to applicants selected in the pre-proposal phase, or are available from Amy Porter at (202) 564-4149 or porter.amy@epamail.epa.gov.

Subsequent to project implementation, EPA plans to conduct an analysis of projects funded to determine successful and unsuccessful aspects and lessons learned.